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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Twentieth session

SUMMARY RECORD (PARTIAL)* OF THE 1st MEETING

Held at the Palais des Nations, Geneva,
on Monday, 26 April 1999, at 10 a.m.

Temporary Chairperson: Mrs. ROBINSON (United Nations High Commissioner for Human Rights)

Chairperson: Mrs. BONOAN-DANDAN

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GE.99-41281 (E)

The meeting was called to order at 10.35 a.m.

OPENING OF THE SESSION (item 1 of the provisional agenda)

Statement by the United Nations High Commissioner for Human Rights

1. Mrs. ROBINSON (United Nations High Commissioner for Human Rights) welcomed both the re-elected members and the newly elected members, Mr. Atangana and Mr. Hunt, whom she congratulated. Reviewing the main developments in the field of economic, social and cultural rights since the Committee's nineteenth session, she said that from 9 to 11 March 1999 the Office of the High Commissioner for Human Rights and the United Nations Centre for Human Settlements (Habitat) had assembled experts in Geneva in order to study the details of a joint programme to assist member States to honour their commitments with regard to adequate housing, a right which was being denied to more than 100 million people. The Habitat Agenda adopted by the Second United Nations Conference on Human Settlements (Habitat II), with whose work the Committee had been associated, had attached great importance to the full and progressive realization of the right to adequate housing and had contained a number of recommendations designed to promote substantial advances in that sphere.

2. Another right, the right to food, enshrined in article 11 of the International Covenant on Economic, Social and Cultural Rights, had been at the heart of discussions at a symposium convened at the beginning of 1999 on the eve of the twenty-sixth session of the Subcommittee on Nutrition of the Administrative Committee on Coordination and during the session of the Commission on Human Rights, which had created a considerable stir. In the Committee's draft General Comment No. 12 on the right to adequate food, it was stated that that right imposed three types of obligations on States parties to the International Covenant: the obligations to respect, to protect and to fulfil that right. Failure to comply with any one of those three obligations constituted a violation of the right to adequate food. The large-scale violations of the right to housing and the right to food warranted the speedy establishment of corrective mechanisms. One response might be the adoption of the draft Optional Protocol to the International Covenant on Economic, Social and Cultural Rights by the Commission on Human Rights. To that end, on 26 February 1999, the Office of the High Commissioner for Human Rights, together with the International Commission of Jurists, had organized a workshop which had provided some 60 representatives of permanent missions with an opportunity informally to discuss the draft Optional Protocol and the justiciability of economic, social and cultural rights.

3. She was pleased that in 1998 the Committee had adopted General Comment No. 10 on the role of national human rights institutions in the protection of economic, social and cultural rights. Those institutions played a crucial role, and the discussions in which the High Commissioner had participated at the annual meeting of the Coordinating Committee of National Institutions had underscored the fact that those institutions were often actively involved in issues such as poverty and exclusion, mental illness, indigenous rights and policies to ensure equal opportunity for women. Discussions of that nature ought to be encouraged and institutions should be urged to refer to the Committee's work, especially its general comments. It was also clear that since national institutions constituted one of the four pillars of the regional policy framework for the Asia-Pacific region they were likewise

important in that context. The Coordinating Committee of National Institutions was planning to re-examine issues related to economic, social and cultural rights at its forthcoming meetings. That constituted a major step towards the implementation of those rights at grass-roots level through the activities of national institutions.

4. She then referred to the progress made in drawing up Common Country Assessment guidelines. The Committee's recommendation that the United Nations Development Assistance Framework should refer explicitly to the Covenant and the Committee's concluding observations had been fully accepted, with the result that all the human rights instruments (including the International Covenant on Economic, Social and Cultural Rights) and the work carried out by all the treaty bodies, were mentioned in the guidelines. The implementation phase was just starting and a new partnership should ensure that those guidelines had an impact at country level on the country teams of the United Nations, for the benefit of those whose economic, social and cultural rights had to be protected and defended.

5. In accordance with rule 13 of the Committee's rules of procedure, the members who had been re-elected or newly elected - Mr. AHMED, Mr. ATANGANA, Mrs. BONOAN-DANDAN, Mr. HUNT, Mr. KOUZNETSOV, Mr. MARCHAN ROMERO, Mr. RIEDEL, Mr. THAPALIA and Mr. WIMER - solemnly declared that they would perform their duties as members of the Committee impartially and conscientiously.

ELECTION OF OFFICERS (item 2 of the provisional agenda)

6. Mrs. ROBINSON (United Nations High Commissioner for Human Rights) invited the Committee to elect a Chairperson, three Vice-Chairpersons and a Rapporteur from among its members in accordance with rule 14 of its rules of procedure.

7. Mr. AHMED nominated Mrs. Bonoan-Dandan for the post of Chairperson.

8. Mrs. Bonoan-Dandan was elected Chairperson.

9. Mr KOUZNETSOV nominated Mr. Ceausu for the post of Vice-Chairperson.

10. Mr. SADI nominated Mr. Riedel for the post of Vice-Chairperson.

11. Mr. Ceausu and Mr. Riedel were elected Vice-Chairpersons.

12. Mr. RIEDEL nominated Mr. Hunt for the post of Rapporteur.

13. Mr. Hunt was elected Rapporteur.

ADOPTION OF THE AGENDA (item 3 of the provisional agenda) (E/C.12/1999/1)

14. The agenda was adopted.

ORGANIZATION OF WORK (item 4 of the agenda) (E/C.12/1999/L.1)

15. The CHAIRPERSON announced that since Denmark had requested that the examination of its periodic report be postponed until the second week and Iceland had asked that consideration of its report be completed by 27 April at the latest, the initial order in which the periodic reports of those two

States parties were to have been studied should be reversed. Furthermore, Germany had asked the Committee to defer consideration of its periodic report for several months. Those requests should not give rise to any difficulties. On the other hand, the Committee should give thorough consideration to a note from Bulgaria requesting that consideration of its periodic report be postponed until the next session.

16. She invited the Committee members to take note of the draft general comment on the right to health, which had just been drawn up, with a view to amending it. The Committee might decide to instruct one of its members to finalize that draft in the light of any comments made, so that it could be examined at an early stage in the session.

17. Mrs. ROBINSON (United Nations High Commissioner for Human Rights) congratulated the Chairperson and the other Committee members who had just been elected as officers. She reaffirmed that the Committee's deliberations were central to the system for promoting and protecting human rights within the United Nations. Echoing the statement made a short time earlier by Mr. Kofi Annan, the Secretary-General of the Organization, to the Commission on Human Rights, she stressed the need to ensure that economic, social and cultural rights were respected in practice in all countries, particularly the developing countries. In that respect, the Committee's work would certainly strengthen the regional strategy which OHCHR was pursuing with a view to stimulating action to promote human rights through collaboration with Governments, national institutions and non-governmental organizations. Above all, she would see to it that the Committee's general observations were extensively taken into account, by securing active cooperation between her Office and the Committee.

18. The CHAIRPERSON, speaking on behalf of the Committee, thanked the High Commissioner for her participation, her encouragement and the constant, sincere support she gave in practice and in public to the Committee's work, which rested on a deep understanding of the issues dealt with by the Committee.

The meeting was suspended at 11.10 a.m. and resumed at 11.30 a.m.

Bulgaria's request to defer consideration of its third periodic report

19. The CHAIRPERSON invited the Permanent Representative of Bulgaria to take a place at the Committee table.

20. Mr. DRAGANOV (Bulgaria) said that in a note verbale to the Office of the High Commissioner for Human Rights, his Government had requested that consideration of Bulgaria's third periodic report (E/1994/104/Add.16) be postponed because, since the drafting of that report in 1996, Bulgaria had radically amended its legislation in order to harmonize it with the "acquis communautaire" of the European Union. The information in the report therefore had to be updated. He realized that the request had been submitted at a late stage, but craved the Committee members' indulgence.

21. The CHAIRPERSON, opening the debate on the Bulgarian Government's request, pointed out that the Committee had not received the written replies of the State party to the list of issues (E/C.12/Q/BUL/1).

22. Mr. TEXIER said that requests for deferment, especially when they were submitted so late, disrupted the Committee's work programme. States had all the more reason to present their report on time in that machinery had been set up to facilitate the task. A priori, only exceptional circumstances could justify postponing consideration of a report. Having said that, he thought that the Committee could not but grant the Bulgarian Government's request, but emphasized that the report would have to be examined in November 1999, without fail.

23. Mrs. JIMENEZ BUTRAGUEÑO endorsed that opinion and stressed the need for the Bulgarian Government to send the Committee its written replies to the list of issues.

24. Mr. CEAUSU, supported by Mr. ANTANOVICH, deplored the unfortunate hitch and resultant waste of time. The reason put forward by the Permanent Representative of Bulgaria was questionable for two or even three years always elapsed between the drafting of any country's report and its consideration by the Committee. The list of issues did, however, offer every country an opportunity to update the information in its report. The request for postponement clearly showed that the Committee would have to re-examine its working methods.

25. Mr. SADI said he failed to see why Bulgaria had informed the Committee so late. How was the Committee going to use the time initially set aside for the examination of Bulgaria's third periodic report?

26. Mr. TIKHONOV (Secretary of the Committee) explained that the Bulgarian Government had presented its request for postponement in a note verbale sent to the Office of the High Commissioner for Human Rights on 29 March 1999 and that the Chairperson had been informed. The work programme of the session had therefore been reorganized and the revised text would be distributed to Committee members.

27. After a discussion between Mr. CEAUSU, Mr. GRISSA and Mr. RIEDEL, the CHAIRPERSON said that the Committee had no other choice but to accede to the Bulgarian Government's request, but only on the understanding that the replies to the list of issues would have to be received by the Committee by 1 July 1999 at the latest and that Bulgaria's third periodic report had to be considered without fail at the Committee's twenty-first session, whether or not a Bulgarian delegation was present.

28. Mr. DRAGANOV (Bulgaria) regretted the inconvenience thus caused to members of the Committee and undertook to ensure that the Committee received his country's written replies by the beginning of July at the latest.

29. The Permanent Representative of Bulgaria withdrew.

The discussion covered in the summary record ended at 12.05 p.m.